IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 16390 of 2006**

**DATED: 7.8.2006**

**Between:**

V.Koteswara Rao petitioner

And

The Depot Manager,
APSRTC, Tenali Depot,
Guntur district Respondent

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO. 16390 of 2006**

ORAL ORDER:

This writ petition is filed seeking Writ of *Mandamus* declaring the action of the respondents in passing the impugned order dated 29.1.1999 imposing punishment of deferment of annual increment for a period of two years with cumulative effect.

The case of the petitioner is that he is employed as driver in the respondent corporation. While so, on 3.10.1998 the petitioner was issued with a charge sheet alleging that he committed an accident on 3.9.1998 on Tenali route. The petitioner submitted his explanation denying the charges leveled against him. Having not satisfied with the same, an enquiry was ordered and the enquiry officer on conducting the enquiry submitted his report on 28.12.1998 holding that the charges alleged against the petitioner are proved. Based on the findings of the enquiry, an order-cum-show cause notice dated 29.1.1999 was issued to the petitioner imposing the punishment of withholding the annual increments for a period of two years, with an effect of postponing the future increments.

Learned counsel for petitioner contends that the petitioner was imposed with the major punishment without calling for objections to the enquiry report and even without issuing a show cause notice and the

same is illegal and unjust. He further submitted that the issue raised in the present writ petition is squarely covered by the order of this Court in W.P. No. 18299 of 2005 dated 5.09.2005.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent Corporation.

Similar issue with regard to imposition of punishment without calling for objection and without issuing show cause notice, was considered by this in W.P. No. 18299 of 2005 dated 5.9.2005.

The operative portion of the order in W.P. No. 18299 of 2005 reads as under:

> "Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.
>
> The writ petition is accordingly disposed of. There shall be no orders as to costs."

In the present case also, based on the enquiry report, the petitioner was straight away imposed with punishment of withholding two annual increments with future effect and he was called to explain why the period of suspension should not be treated as "not on duty" and why the cost of damages should not be recovered. Thus, the issue raised in the present writ petition is squarely covered by the orders of this Court dated 5.9.2005 in W.P. No. 18299 of 2005. Hence, following the orders of this Court dated 5.9.2005 in W.P. No. 18299 of

2005, this writ petition is disposed of with the following direction.

The impugned order dated 29.1.1999 passed by the respondent imposing the punishment of withholding of two annual increments of the petitioner with cumulative effect, is modified to that of stoppage two annual increments without cumulative effect. The petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 7-8-2006

TVK

**THE HON'BLE MR JUSTICE N.V. RAMANA**

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